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FORM 2

JUN 28 REC'D

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-086

AN ORDER to . . ., relating to credentials and fire sprinkler systems.

Submitted by **DEPARTMENT OF COMMERCE**

05-14-99 RECEIVED BY LEGISLATIVE COUNCIL.

06-04-99 REPORT SENT TO AGENCY.

RNS:MCP;jal;rv

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CLEARINGHOUSE RULE 99-086

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The treatment clause should list the specific sections, subsections and paragraphs that are amended, rather than "amending" an entire section, as in the amendment to s. Comm 5.315. This is not an acceptable drafting practice because the treatment clause does not accurately describe the effect of the amendment. If an entire existing subunit is not affected, it should not be shown. For example, in SECTION 21, the treatment clause should state: "SECTION 21. Comm 5.315 (1) (a) 1. and (b), (3), (4) and (6) (b) 2., as created by Clearinghouse Rule 98-126, are amended to read:". Only those particular subunits should be shown. This change should be made throughout the rule.

b. Entire rule subunits should not be created by use of underscoring and entire rule subunits should not be repealed by use of striking. [See s. 1.06 (1), Manual.] Therefore, SECTION 6 should be divided into two SECTIONS--one that amends s. Comm 5.01 (1) and (2) and one that creates s. Comm 5.01 (3). Also see s. Comm 5.10 (1) (a) 9. to 11. In s. Comm 5.62 (7) and elsewhere in the rule, par. (b) should be repealed and par. (c) should be renumbered and amended in separate SECTIONS.

c. The slash mark in s. Comm 82.40 (3) (f) should be eliminated. [See s. 1.01 (9), Manual.] Can it be replaced by "and"?

4. Adequacy of References to Related Statutes, Rules and Forms

In several provisions, the rule changes references to ch. ILHR 10 to be references to ch. Comm 10. It appears that similar changes should be made in ss. Comm 5.87 (1) and 5.88 (3) (a) and (b) and (4) (a).

5. Clarity, Grammar, Punctuation and Use of Plain Language

Section Comm 5.51 (2m) (b) refers to graduation from a four-year "engineering university or college." Does the department intend to restrict this only to a university or college in which the entire program is engineering, or should this be redrafted to allow a degree in engineering from a university or college that has an engineering program?



State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.:

Chapters Comm 5, 82 and 84

Relating to:

Credentials and Fire Sprinkler Systems

The Department of Commerce proposes an order to repeal Comm 5.003 (12) and Comm 5.004;

to amend Comm 5 (title), Comm 5.002, Comm 5.003 (32), Comm 5.01, Comm 5.02 (1), (2), (3) and (5), Comm 5.02 Table 5.02, Comm 5.04 (1) and (2)(a), Comm 5.05 (2), Comm 5.06, Comm 5.06 Table 5.06, Comm 5.07, Comm 5.08 (1)(d) and (e)1., (1)(f)2.e. and f., (2)(intro.) and (b) and (3), Comm 5.09 (1), (2)(intro.), (4)(a), (b) and (c)1., (5), (6), (7)(b) and (c) and (8)(c), Comm 5.10, 5.11 and 5.12, Comm 5.20 (1)(a)1. and 2., (1)(b) and (5), Comm 5.21 (1)(a), (2)(title) and (b) and (3)(title), Comm 5.30 (1), (2)(title) and (b) and (3)(title), Comm 5.31 (1), (1)Note 2, (2)(title) and (b) and (3)(title), Comm 5.315, Comm 5.32 (1)(a), (2)(title) and (b) and (3)(title), Comm 5.33 (1), (5) and (7)(b), Comm 5.34 (1), (2)(title) and (b), and (3)(title) and (a)(intro.), Comm 5.35 (1), (4) and (5)(a)(intro.), Comm 5.36, Comm 5.40 (1) and (2), Comm 5.41 (1)(title) and (a)2. and (2)(title), Comm 5.42 (2)(title) and (b) and (3)(title), Comm 5.43 (4) and (5)(b), Comm 5.44 (1)(intro.), (5)(a), (b)(intro.) and (b)1. and (6)(b), Comm 5.45 (1)(title) and (b), Comm 5.50, Comm 5.51 (4) and (5), Comm 5.52 (1) and (5), Comm 5.53 (1), (2)(title) and (b) and (3)(title), Comm 5.54 (1)(intro.) and (4), Comm 5.55 (1)(b) and (2)(title) and (b), Comm 5.56 (1) and (4), Comm 5.60 (1)(intro.), (2)(title) and (b) and (3)(title), Comm 5.61 (1) (1)Note 2, (4), and (6)(b) and (c), Comm 5.62 (1), (1)Note, (3)(c), (5), and (7)(b) and (c), Comm 5.63 (1)(a)(intro.), (a)5.Note and (b)(intro.), (4)(a) and (b)1., and (6)(b) and (c), Comm 5.64 (1), (2)(intro.), (4) and (6)(c)2., Comm 5.66 (1), (4), and (6)(b) and (c), Comm 5.67 (1), (4), and (6)(b) and (c), Comm 5.675, Comm 5.68 (1), (5) and (7)(b), Comm 5.70 (1), (2)(title) and (b) and (3)(title), Comm 5.71 (5), Comm 5.72 (1), (2)(title) and (b), (3), and (5)(intro.) and (a)2., Comm 5.80 (1)(a), (2)(title) and (b) and (3)(title), Comm 5.81 (1)(a), and (2)(title) and (b), Comm 5.82 (1)(a), (2)(title) and (b) and (3)(title), Comm 5.83 (1) and (4), Comm 5.84 (1)(a) and (b) and (4), Comm 5.85 (1)(a) and (b) and (4), Comm 5.86 (1)(a) and (b) and (4), Comm 5.87 (1)(a) and (b) and (4), Comm 5.88 (1), (2)(title) and (b) and (3)(title), Comm 5.90 (1) and (2), Comm 5.91 (1)(intro.), (5), (6), (7)(b)3. and (8)(b), Comm 5.92 (1)(intro.), (5), (6), (7)(b)3. and (8)(b), Comm 5.93 (1)(a) and (b)(intro.) and (5), Comm 5.94 (1)(a) and (b)(intro.) and (5), Comm 5.95 (1), and (2)(title) and (b), Comm 5.96 (1), (2)(title) and (b) and (3)(title), Comm 5.97 (1), (5) and (6), Comm 5.98 (1), (2)(title) and (b) and (3)(title), Comm 5.99 (1), (2)(title) and (b) and (3)(title) and Comm 82.11 (180);

and to create Comm 5.51 (2m), Comm 5.51 (6)(c), Comm 5.52 (6)(c), Comm 5.54 (5)(c), Comm 82.11 (49m), Comm 82.40 (3)(f) and Comm 84.60 Table 84.60-10m, relating to credentials and fire sprinkler systems.

Analysis of Proposed Rules

Statutory authority: Sections 101.02 (1), (20) and (21), 145.02 (2), 145.17 (2) and 145.175, Stats.
Statutes interpreted: Sections 101.02 (1), (20) and (21), 145.02 (2), 145.17 (2) and 145.175, Stats.

Chapter Comm 5 of the Wisconsin Administrative Code contains the Department's rules for the issuance of numerous credentials that businesses and individuals are either mandated or permitted to obtain. These credentials are licenses, certifications and registrations that relate to activities associated with the construction and inspection of buildings and structures or specific components and elements that serve buildings and structures.

The proposed rules consist of revisions in chapter Comm 5 relating to the credentials associated with the installation of automatic fire sprinkler systems and to the issuance, renewal and revocation of credentials when the applicant or licensee does not comply with new Statutory requirements. The

proposed rules also consist of revisions in chapters Comm 82 and 84 relating to the installation of combined plumbing/fire sprinkler systems in one- and 2-family homes.

Under the current rules, any individual may apply for and take the license examination for an automatic fire sprinkler contractor. However, an individual who wishes to take the license examination for a journeyman automatic fire sprinkler fitter must first have completed a sprinkler system apprenticeship. The proposed rules contain specific training and experience qualifications for individuals applying for the automatic fire sprinkler contractor license examination. [Comm 5.51 (2m)]

The current rules also allow the renewal of credentials associated with automatic fire sprinkler systems without the need for obtaining any continuing education. The proposed rules require a specific number of hours of continuing education to be obtained by individuals wishing to renew an automatic fire sprinkler contractor license, a journeyman automatic fire sprinkler fitter license, and an automatic fire sprinkler contractor-maintenance registration. [Comm 5.51 (6)(c), Comm 5.52 (6)(c) and Comm 5.54 (5)(c)]

In accordance with new Statutory requirements, the proposed rules contain new requirements for the issuance, renewal, denial, suspension and revocation of licenses, certifications and registrations when the applicant or licensee does not provide required information, is delinquent in required payments, or fails to comply with a subpoena or warrant. The applicant or licensee must provide their social security number or federal employer identification number. The applicant or licensee must not be delinquent in tax payments or child support payments. And the applicant or licensee must not have failed to comply with a subpoena or warrant issued by the Department of Workforce Development or a county child support agency relating to paternity or child support proceedings. [Comm 5.01 (3) and Comm 5.10 (1)(a) 9. to 11.]

The proposed rules address the installation of combined plumbing/fire sprinkler systems in one- and 2-family homes by defining the systems to be part of the water supply system and by specifying the standards that must be met if one of the systems is voluntarily installed in a home. The proposed rules do not mandate the installation of the combined plumbing/sprinkler systems in homes. [Comm 82.11 and Comm 82.40]

The proposed rules also contain revisions to replace the word "credential" with "license, certification or registration" or with the specific word "license", "certification" or "registration" as applicable.

SECTION 1. Chapter Comm 5 (title) is amended to read:

Chapter Comm 5
CREDENTIALS LICENSES, CERTIFICATIONS AND REGISTRATIONS

SECTION 2. Comm 5.002 is amended to read:

Comm 5.002 Scope. ~~The~~ This chapter applies to any person or business engaging or offering to engage in an activity or provide a service for which a credential license, certification or registration is required or desired under chs. 101, 145 and 167, Stats.

SECTION 3. Comm 5.003 (12) is repealed.

SECTION 4. Comm 5.003 (32) is amended to read:

Comm 5.003 (32) "Negligence" means the failure to exercise the degree of care and judgment to protect public health and safety normally expected of an individual performing activities within the scope of a credential license, certification or registration category.

SECTION 5. Comm 5.004 is repealed.

SECTION 6. Comm 5.01 is amended to read:

cr. (3)

Comm 5.01 Application. (1) Application for a credential license, certification or registration or a credential license, certification or registration examination covered under this chapter shall be submitted on a form prescribe by the department.

Note: Applications for credentials licenses, certifications or registrations covered under this chapter are available from the Division of Safety and Buildings, P.O. Box ~~7969~~ 7082, Madison, Wisconsin 53707, telephone 608/266-3151.

(2) An application for a credential license, certification or registration which either requires or recognizes the attendance at or completion of educational courses as a qualification for the credential license, certification or registration shall be accompanied by such evidence, including but not limited to transcripts, that verifies fulfillment of the prerequisite.

(3) Pursuant to s. 101.02 (20) (b) and (21) (b), Stats., the department may not issue or renew any license, certification or registration under this chapter unless the applicant for the license, certification or registration includes his or her social security number, or in the case of a license, certification or registration for a business, the applicant includes the federal employer identification number. The department shall consider the failure by the applicant to provide a social security number or a federal employer identification number as an incomplete application and shall not process the application further until the appropriate number is provided.

SECTION 7. Comm 5.02 (1), (2), (3) and (5) are amended to read:

Comm 5.02 Fees. (1) (a) Fees required for the various credentials licenses, certifications or registrations and their processing under this chapter shall be determined in accordance with Table 5.02, except as provided in par. (b) and ss. Comm 5.61 (6)(b), 5.62 (7)(b), 5.63 (6)(b), 5.66 (6)(b) and 5.67 (6)(b).

(b) 1. Pursuant to s. 145.05, Stats., a person who holds a master plumber license, master plumber-restricted license, journeyman plumber license or journeyman plumber-restricted license and who is employed by a city of the first, second, or third class as a plumbing inspector is not required to submit a credential license fee in order to renew his or her license.

2. A person who applies to renew his or her master plumber license, master plumber-restricted license, journeyman plumber license or journeyman plumber-restricted license without the credential license fee as permitted under subd 1. shall provide evidence that he or she is a plumbing inspector for a first, second or third class city with the application for renewal.

Note: The exemption of not having to pay a credential license fee does not relieve an individual of fulfilling all other obligations or responsibilities to renew the license such as continuing education requirements.

(2) Fees required under this chapter for various credentials licenses, certifications or registrations or their processing examinations shall not be refundable.

(3) The department shall prorate a credential license, certification or registration fee on a monthly basis for the initial issuance of a credential license, certification or registration which is issued for less than the full credential license, certification or registration period.

(5) A fee of \$10.00 shall be charged to replace a lost or destroyed credential license, certification or registration.

SECTION 8. Comm 5.02 Table 5.02 header and line 27 are amended to read:

**Table 5.02
FEES
(partial table)**

	<u>Credential License, Certification or Registration Category</u>	Type	Application Fee	Examination Fee	<u>Credential License, Certification or Registration Fee</u>
27.	Automatic Fire Sprinkler System Tester	<u>Certification</u> <u>Registration</u>	\$10	\$20	\$90

SECTION 9. Comm 5.04 (1) and (2)(a) are amended to read:

Comm 5.04 Processing times. (1) An application for a credential license, certification or registration covered under this chapter shall be granted or denied by the department within 21 calendar

days after the department receives all of the application materials necessary to obtain the credential license, certification or registration.

Note: Pursuant to s. 227.116, Stats., the failure by the department to make a determination on an application results in the department ~~in~~ having to prepare and file a report with the permit information center of the department. The failure by the department to make a determination on an application does not relieve a person from the obligation to comply with the requirements or qualifications of the credential license, certification or registration or to secure the credential license, certification or registration.

(2) (a) If the credential license, certification or registration application information is insufficient, the department shall request additional information within 21 calendar days of receipt of the application.

SECTION 10. Comm 5.05 (2) is amended to read:

Comm 5.05 (2) A credential license, certification or registration holder shall be responsible for notifying the department of any change in mailing address.

SECTION 11. Comm 5.06 is amended to read:

Comm 5.06 ~~Credential terms~~ Terms. (1) A credential license, certification or registration issued under this chapter shall be valid for a period of no longer than that specified in Table 5.06.

Note: See ss. Comm 5.61 (6)(b), 5.62 (7)(b), 5.63 (6)(b), 5.66 (6)(b) and 5.67 (6)(b) regarding credential periods transitioning from one year to 2 years.

(2) A credential license, certification or registration issued under this chapter shall expire at midnight on the day or date of expiration specified in Table 5.06.

SECTION 12. Comm 5.06 Table 5.06 title, header and lines 22, 23 and 25 are amended to read:

**Table 5.06
CREDENTIAL EXPIRATIONS
(partial table)**

	<u>Credential License, Certification or Registration Category</u>	<u>Term</u>	<u>Expiration Date</u>	<u>Continuing Education Cycle</u>
22.	Automatic Fire Sprinkler Contractor	2 years	June 30	NA <u>March 30</u>
23.	Journeyman Automatic Fire Sprinkler Fitter	2 years	June 30	NA <u>March 30</u>
25.	Automatic Fire Sprinkler Contractor-Maintenance	2 years	June 30	NA <u>March 30</u>

SECTION 13. Comm 5.07 is amended to read:

Comm 5.07 ~~Credential renewal~~ Renewal. (1) (a) Except under s. Comm 5.96, a notice of renewal shall be mailed by the department to a credential license, certification or registration holder at least 30 calendar days prior to the expiration of the credential license, certification or registration.

(b) Failure to receive a notice for renewal of a credential license, certification or registration shall not be considered as an excuse or good cause for failure to renew a credential license, certification or registration prior to the expiration of the credential license, certification or registration.

(2) (a) Except as provided in par. (b), a person may apply to renew his or her credential license, certification or registration provided an application, a credential license, certification or registration fee and evidence of all renewal qualifications, if any, are submitted to the department prior to the expiration date of the credential license, certification or registration.

Note: Qualification obligations for renewal are specified under the appropriate credential license, certification or registration category sections.

(b) A person may apply to renew his or her credential license, certification or registration in accordance with par. (a) within 6 months after expiration of the credential, provided an application fee as specified in Comm 5.02, Table 5.02 accompanies the renewal application.

(c) An individual who fails to renew his or her credential license, certification or registration within 6 months after the expiration date of the credential license, certification or registration shall be required to comply with and complete the appropriate requirements for obtaining the credential license, certification or registration initially, including the passage of a credential license, certification or registration examination, if required.

SECTION 14. Comm 5.08 (1)(d) and (e) 1., (1)(f) 2. e. and f., (2)(intro.) and (b), and (3) are amended to read:

Comm 5.08 (1) (d) Courses, programs and seminars to be considered for approval towards continuing education credit shall relate to the skills and knowledge of one or more credential license, certification or registration categories.

(e) 1. The department may impose specific conditions in approving a course, program or seminar for continuing education credit, including limiting credit to specific credential license, certification or registration categories.

(1) (f) 2. e. The name of each credential license, certification or registration held by the attendee for which the course applies.

f. The credential license, certification or registration number assigned by the department of each attendee.

(2) EVIDENCE OF COMPLIANCE. Each credential license, certification or registration holder shall retain evidence of compliance with continuing education requirements throughout the credential license, certification or registration period for which continuing education credit was required for renewal of the credential license, certification or registration.

(b) The department may require a credential license, certification or registration holder to submit evidence of compliance for the continuing education credit which was required to renew the credential license, certification or registration.

(3) CONTINUING EDUCATION CYCLE. (a) For those ~~credential~~ license, certification or registration categories which require continuing educational credit for renewal, the ~~credential~~ license, certification or registration holder shall obtain the necessary amount of continuing educational credit at least 3 months prior to the expiration date of the ~~credential~~ license, certification or registration as specified in Table 5.06.

(b) The time period during which a ~~credential~~ license, certification or registration holder may obtain continuing education credit to fulfill the renewal obligations shall commence 3 months prior to the expiration date of the previous ~~credential~~ license, certification or registration term.

SECTION 15. Comm 5.09 (1), (2)(intro.), (4)(a), (b) and (c) 1., (5), (6), (7)(b) and (c), and (8)(c) are amended to read:

Comm 5.09 ~~Credential examinations~~ Examinations. (1) For those ~~credential~~ license, certification or registration categories which require examination, the department shall conduct at least 4 ~~credential~~ license, certification or registration examinations annually for each ~~credential~~ license, certification or registration category at times and locations specified by the department.

(2) An application and fee for a ~~credential~~ license, certification or registration that requires an examination shall be received by the department at least 30 calendar days prior to the day of the examination. The department may postpone the applicant's appearance to another examination date if any of the following occur:

(4) (a) An applicant for ~~credential~~ license, certification or registration examination shall provide a photo identification or other appropriate evidence to gain admittance to an examination.

(b) An applicant shall bring to a ~~credential~~ license, certification or registration examination all necessary materials as specified by the department.

(c) 1. Except as provided in subd. 2., an applicant who fails to appear at a scheduled ~~credential~~ license, certification or registration examination without giving notice to the department at least 24 hours before the examination shall be considered to have failed the examination and shall be required to submit a re-examination application and examination fee.

(5) The examination for a ~~credential~~ license, certification or registration shall be based on a job analysis of the knowledge, skills and abilities associated with the ~~credential~~ license, certification or registration. The examination shall include all of the following subject matter:

(a) Regulations and standards governing the work or activities required or permitted under the ~~credential~~ license, certification or registration.

(b) Theories, principles, and practices associated with the activities required or permitted under the ~~credential~~ license, certification or registration.

(6) (a) A grade of 70% or greater in each part of a ~~credential~~ license, certification or registration examination shall be considered a passing grade.

(b) 1. Except as provided in subd. 2., an applicant failing a part of a multi-part credential license, certification or registration examination shall be required to retake only those parts failed.

2. An applicant who does not pass all required parts of a multi-part credential license, certification or registration examination within one year after the date of the initial examination shall apply, retake and pass all parts of the credential license, certification or registration examination.

(7) (b) Upon notification of failing a credential license, certification or registration examination, an applicant may request another examination in accordance with s. Comm 5.01.

(c) 1. An applicant who has successfully passed a credential license, certification or registration examination may submit an application and the credential license, certification or registration fee as specified under s. Comm 5.02, Table 5.02 for the appropriate credential license, certification or registration within 3 months after the date the department had mailed the results of the examination.

2. Failure to apply for credential license, certification or registration in accordance with subd. 1., shall necessitate the applicant to apply, retake and pass another credential license, certification or registration examination in order to obtain the credential license, certification or registration.

(8) (c) The department shall retain credential license, certification or registration examinations at least 2 months after the date of the examination.

SECTION 16. Comm 5.10, 5.11 and 5.12 are amended to read:

Comm 5.10 Denial, suspension and revocation of credentials. (1) Except as provided in sub. (2) pertaining to credentials licenses or registrations for master plumbers, journeyman plumbers, cross connection control testers and utility contractors, the department may deny, suspend or revoke a credential license, certification or registration under this chapter in accordance with this subsection.

(a) *Reasons.* The department may deny, suspend or revoke a credential license, certification or registration under this chapter if the department determines that an applicant or holder of the credential license, certification or registration is responsible for any of the following:

1. Fails to meet the qualifications for the credential license, certification or registration.
2. Has obtained the credential license, certification or registration through fraud or deceit.
3. Has demonstrated negligence or incompetence in fulfilling the responsibilities or obligations of the credential license, certification or registration.
4. Has a conflict of interest in fulfilling the responsibilities or obligations under the credential license, certification or registration.
5. Has demonstrated misconduct in fulfilling the responsibilities or obligations under the credential license, certification or registration.
6. Has been arrested or convicted for a crime substantially related to the credential license, certification or registration.

7. Has a physical or mental impairment which prevents the applicant or holder from fulfilling the responsibilities or obligations under the credential license, certification or registration.

8. Has violated state, federal or local laws or regulations relating to the conduct of the activities under the credential license, certification or registration.

9. Has been certified by the department of revenue under s. 73.0301, Stats., to be liable for taxes.

10. Has been delinquent in making court-ordered payments relating to the support of a child or former spouse pursuant to s. 101.02 (21) (a), (c) and (d), Stats.

11. Has failed to comply with a subpoena or warrant issued by the department of workforce development or a county child support agency relating to paternity or child support proceedings pursuant to s. 101.02 (21) (a), (c) and (d), Stats.

(b) *Notice of denial, suspension or revocation.* Except as provided under s. 101.654 (4), Stats., relative to a dwelling contractor financial responsibility certification, and par. (c), a notice of denial, suspension or revocation shall be sent to the applicant or the credential license, certification or registration holder. The notice shall include all of the following:

1. The basis for the denial, suspension or revocation, including the facts relied on by the department to make its decision and a citation of applicable statutes and administrative rules establishing the legal basis for the decision; and

2. A statement that the applicant or the credential license, certification or registration holder may file a request for an administrative hearing.

Note: See the appendix under A5.31 for a reprint of s. 101.654 (4), Stats.

(c) *Summary suspension.* Under s. 227.51 (3), Stats., the department may summarily suspend any credential license, certification or registration if the department finds that immediate action is necessary for public health, safety or welfare. The summary suspension of a credential license, certification or registration shall remain in effect until after a final decision is issued following a hearing.

(d) *Hearing.* 1. The request for an administrative hearing shall be received by the office of legal counsel of the department no later than 30 days following the date of mailing of the notice under par. (b), otherwise, the request for hearing shall be denied by the department.

Note: Requests for an administrative hearing may be mailed to the Office of Legal Counsel, P.O. Box 7969 7970, Madison, WI 53707-7969 7970, or faxed to (608) 266-0592 266-3447. Facsimile requests received after 4:30 p.m. are considered filed on the next business day.

2. Hearings shall comply with the provisions of ch. 227, Stats.

(e) *Surrender of ~~credential~~ license, certification or registration.* A person whose credential license, certification or registration has been suspended or revoked shall surrender the credential license, certification or registration to the department upon request.

(f) *Reinstatement.* 1. 'Suspension'. a. A person whose credential license, certification or registration has been suspended may apply to have the credential license, certification or registration reissued only after the time set for suspension by the department or hearing examiner has passed and by complying with the conditions set forth in the suspension order.

b. The request to the department to have a suspended credential license, certification or registration reissued shall be made in writing.

c. The department may require a person whose credential license, certification or registration has been suspended to apply for the credential license, certification or registration by complying with all of the requirements for a new applicant, including paying the application fees and successfully passing an examination.

d. The department may impose conditions on the reissued credential license, certification or registration to assure compliance with this chapter.

2. 'Revocation'. A person whose credential license, certification or registration has been revoked may not apply to ever receive such a credential license, certification or registration.

(2) Pursuant to s. 145.10, Stats., the department may suspend or revoke the credential license or registration of any master plumber, journeyman plumber, master plumber-restricted, journeyman plumber-restricted, utility contractor, or cross connection control tester in accordance with this subsection.

(a) *General.* The department may suspend or revoke a credential license or registration for any of the following reasons:

1. The practice of fraud or deceit in obtaining a credential license or registration.

2. Negligence, incompetence or misconduct in the practice or work allowed by the credential license or registration.

3. Failure to correct an installation for which the credential license or registration holder is responsible within the time prescribed by the department.

Note: Section 145.10 (1) (b), Stats., indicates that the correction of an installation must take place within 30 days following notification by the department of a violation.

no *Douglas*
4. Falsified information on an inspection form under s. 145.254 (3), Stats.

(b) *Investigations.* The department may conduct an investigation of any alleged violations of this chapter or chs. Comm 82 and 83. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected.

(c) *Summary suspension.* Under s. 227.51 (3), Stats., the department may summarily suspend any credential license or registration if the department finds that immediate action is necessary for public health, safety or welfare. The summary suspension of a credential license or registration shall remain in effect until after a final decision is issued following a hearing.

(d) *Hearings*. The hearing for the suspension or revocation of a credential license or registration shall be conducted as a contested case hearing in accordance with ch. 227, Stats., and s. 145.10, Stats.

(e) *Findings*. The department may make findings and enter its order on the basis of the facts revealed by its investigation. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

1. 'Suspension'. The period for suspension shall be determined by the hearing examiner or the department. The period for suspension may not exceed one year. A person whose credential license or registration has been suspended may apply to have the credential license or registration reinstated by filing a new application and payment of the appropriate fee specified in s. Comm 5.02.

2. 'Revocation'. The period for revocation shall be determined by the hearing examiner or the department. The period for revocation shall not exceed one year. A person whose credential license or registration has been revoked shall be eligible for the credential license or registration only after the time set for revocation by department order has passed. A person whose credential license or registration has been revoked may apply to have the credential license or registration reinstated only after submitting a completed application for credential license or registration examination, if required, payment of the examination fee, passing of the examination and payment of the credential license or registration fee specified in s. Comm 5.02.

Comm 5.11 Responsibilities. (1) A person who holds a credential license, certification or registration under this chapter shall carry on his or her person the credential license, certification or registration issued by the department while performing or conducting the activity or activities permitted under the credential license, certification or registration.

(2) A person who holds a credential license, certification or registration under this chapter shall upon request of the department or its representative present the credential license, certification or registration for identification.

(3) The requirements of this section apply to credentials licenses, certifications or registrations issued to an individual and not to a business.

Comm 5.12 Penalties. Penalties for violation of the provisions of this chapter shall be assessed in accordance with the respective penalty provisions in the statutes, depending upon the credential license, certification or registration category or activity involved.

SECTION 17. Comm 5.20 (1)(a) 1. and 2., (1)(b), and (5) are amended to read:

Comm 5.20 (1) (a) 1. Holds a credential license issued by the department as a licensed class 1 blaster, licensed class 2 blaster, licensed class 3 blaster, licensed class 4 blaster, licensed class 5 blaster, licensed class 6 blaster or licensed class 7 blaster.

2. Is under the direct supervision of a person who holds a credential license issued by the department as a licensed blaster in one or more of the categories specified in subd. 1.

(1) (b) The operations and activities associated with a person who holds a credential license as a licensed class 1 blaster, licensed class 2 blaster, licensed class 3 blaster, licensed class 4 blaster, licensed class 5 blaster, licensed class 6 blaster or licensed class 7 blaster shall be limited to the operations or activities delineated under this paragraph.

1. A person, who either holds a credential license as a licensed class 1 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 1 blaster, may conduct blasting operations and activities not closer than 500 feet to an inhabited building for stumps, boulders, ice, frost, concrete, footings, foundations, pole settings, drainage ditches, beaver dams, pot holes, seismic tests, boiler tubes, fertilizer piles, silos, dimension stone, well shooting, metal forms, black powder or coal piles.

2. A person, who either holds a credential license as a licensed class 2 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 2 blaster, may conduct blasting operations and activities for stumps, boulders, ice, frost, concrete, footings, foundations, pole settings, drainage ditches, beaver dams, pot holes, seismic tests, boiler tubes, fertilizer piles, silos, dimension stone, well shooting, metal forms, black powder or coal piles.

3. A person, who either holds a credential license as a licensed class 3 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 3 blaster, may conduct blasting operations and activities for underground mining, underground construction or tunnels.

4. A person, who either holds a credential license as a licensed class 4 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 4 blaster, may conduct blasting operation and activities not closer than 2500 feet to an inhabited building for quarries, open pits, road cuts, trenches, site excavations, basements, underwater demolition or underground excavations.

5. A person, who either holds a credential license as a licensed class 5 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 5 blaster, may conduct blasting operations and activities 2500 feet and closer to an inhabited building for quarries, open pits and road cuts.

6. A person, who either holds a credential license as a licensed class 6 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 6 blaster, may conduct blasting operations and activities 2500 feet and closer to an inhabited building for trenches, site excavations, basements, underwater demolition, underground excavations or structures 15 feet or less in height.

7. A person, who either holds a credential license as a licensed class 7 blaster or is under the direct supervision of a person who holds a credential license as a licensed class 7 blaster, may conduct blasting operations and activities for structures greater than 15 feet in height, bridges, towers or any of the objects or purposes specified under subs. 1. to 6.

(5) APPLICATION FOR CREDENTIAL LICENSE. Upon notification of the successful passage of the examination for a blaster license, a person may obtain the license by submitting an application and the credential license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 18. Comm 5.21 (1)(a), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.21 (1) (a) Pursuant to s. 167.10 (6m), Stats., no person may manufacture fireworks or a listed device in this state unless the person holds a credential license issued by the department as a licensed fireworks manufacturer.

(2) APPLICATION FOR CREDENTIAL LICENSE. (b) An application fee and credential license fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL LICENSE.

SECTION 19. Comm 5.30 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.30 (1) GENERAL. A person may repair a boiler or pressure vessel provided either the person holds a credential registration issued by the department as a registered boiler repairer or works under the general supervision of another person who is a registered boiler repairer.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) A credential registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 20. Comm 5.31 (1), (1) Note 2, (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.31 (1) GENERAL. Pursuant to s. 101.654 (1) (a), Stats., no person may obtain a building permit for a one- or 2-family dwelling unless the person holds a credential certification issued by the department as a dwelling contractor financial responsibility certification or a dwelling contractor financial responsibility-restricted certification, except as provided under s. 101.654 (1) (b), Stats.

Note: A dwelling contractor financial responsibility-restricted certification will be issued to an individual who applies using a bond of less than \$25,000. The credential card issued by the department for a dwelling contractor financial responsibility-restricted certification will read "Financial Responsibility-by a bond under \$25,000 Certification".

(2) APPLICATION FOR CREDENTIAL CERTIFICATION. (b) An application fee and a credential certification fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL CERTIFICATION.

SECTION 21. Comm 5.315, as created by Clearinghouse Rule No. 98-126, is amended to read:

Comm 5.315 Erosion control planning. (1) GENERAL. (a) No person may prepare soil erosion control plans for the purpose of complying with s. Comm 65.07 unless the person holds one of the following:

am. < 1. A credential certification issued by the department as a certified erosion control planner.

2. A registration issued by the department of regulation and licensing in one of the following categories:

a. Architect.

b. Professional engineer.

c. Landscape architect.

3. A certification issued by the department of agriculture, trade and consumer protection as an agricultural engineering practitioner.

am. (b) A person may apply for a ~~credential~~ certification as an erosion control planner by applying for and successfully passing the examination in accordance with subs. (2) and (3).

(2) APPLICATION FOR EXAMINATION. A person applying to take an erosion control planner certification examination shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and examination fee in accordance with s. Comm 5.02, Table 5.02.

am. (3) EXAMINATION. The examination for an erosion control planner certification shall be conducted in accordance with s. Comm 5.09.

am. (4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of successfully passing the examination for an erosion control planner certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(5) RESPONSIBILITIES. A person who prepares soil erosion control plans as a certified erosion control planner shall develop erosion control plans in accordance with ch. Comm 65 or s. Comm 21.125, as appropriate.

(6) RENEWAL. (a) 1. A person may renew his or her certification as an erosion control planner.

2. An erosion control planner certification shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a certification as an erosion control planner shall be contingent upon the planner obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ certification as an erosion control planner may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 22. Comm 5.32 (1)(a), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.32 (1) (a) Pursuant to s. 101.92 (2), Stats., no manufacturer of manufactured homes or mobile homes may sell or distribute for sale manufactured homes or mobile homes unless the manufacturer holds a ~~credential~~ license issued by the department as a licensed manufactured home/mobile home seller.

(2) APPLICATION FOR ~~CREDENTIAL~~ LICENSE. (b) An application fee and a ~~credential~~ license fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ LICENSE.

SECTION 23. Comm 5.33 (1), (5), and (7)(b) are amended to read:

Comm 5.33 (1) GENERAL. Pursuant to s. 145.045, Stats., no person may conduct soil evaluations relative to the discharge or disposal of liquid domestic wastes into the soil unless the person holds a ~~credential~~ certification issued by the department as a certified soil tester.

(5) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of the successful passage of the examination for soil tester certification, a person may obtain the certification by submitting an application and a ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(7) (b) 1. The renewal of a ~~credential~~ certification as a certified soil tester ~~which has an expiration date after June 30, 1998~~ shall be contingent upon the soil tester obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ certification as a certified soil tester may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 24. Comm 5.34 (1), (2)(title) and (b), and (3)(title) and (a)(intro.) are amended to read:

Comm 5.34 (1) GENERAL. No person may perform structural welding under ss. Comm 34.39 and ~~ILHR~~ 53.53 unless the person holds a ~~credential~~ registration issued by the department as a registered welder.

(2) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. (b) A ~~credential~~ registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ REGISTRATION. (a) The person applying for a welder registration shall have taken and passed not more than one year before the date the application is received by the department one or more welding tests in accordance with the following standards as adopted by reference in chs. Comm 50 to 64:

SECTION 25. Comm 5.35 (1), (4) and (5)(a)(intro.) are amended to read:

Comm 5.35 (1) GENERAL. No person may conduct welding tests for the purpose of qualifying structural welders under s. Comm 5.34 unless the person holds a credential certification issued by the department as a certified weld test conductor-physical or a certified weld test conductor-radiographic.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of the successful passage of the examination for weld test conductor certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(5) (a) (intro.) Ensure that the welding tests, the testing facilities and testing equipment conform with the following appropriate standard or standards of as adopted by reference in chs. Comm 50 to 64:

SECTION 26. Comm 5.36, as created by Clearinghouse Rule No. 98-083, is amended to read:

Comm 5.36 Mechanical POWTS maintainers. (1) GENERAL. Pursuant to s. Comm 83.53 (3), a person who holds a credential registration issued by the department as a registered mechanical POWTS maintainer may evaluate and monitor mechanical POWTS components for the purpose of providing the management of a POWTS under ch. Comm 83 subch. V.

(2) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. A person applying for a mechanical POWTS maintainer registration shall submit all of the following:

- (a) An application in accordance with s. Comm 5.01.
- (b) An application and credential registration fee in accordance with s. Comm 5.02, Table 5.02.
- (c) Information or documentation relating to the qualifications under sub. (3).

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ REGISTRATION. A person applying for a mechanical POWTS maintainer registration shall have completed or obtained at least one of the following:

(a) At least 6 hours in a course or courses approved under s. Comm 5.08 that relate to the theory, operation, maintenance and inspection of mechanical POWTS treatment and dispersal components, including instruction in at least all of following:

1. Sand filters.
2. Effluent pumps and switches.
3. Alarms and floats.
4. Active filtration devices.
5. Valves and solenoids for distributing effluent.

6. Aerobic treatment units.

(b) At least 60 hours of experience as a licensed master plumber, master plumber-restricted service, journeyman plumber or journeyman plumber-restricted service installing mechanical POWTS treatment and dispersal components.

(4) RENEWAL. (a) 1. A person may renew his or her registration as mechanical POWTS maintainer.

2. A mechanical POWTS maintainer registration shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a registration as a mechanical POWTS maintainer shall be contingent upon the maintainer obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a registration as a mechanical POWTS maintainer may apply to the department for waiver of the continuing education requirements under subd. 1 on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 27. Comm 5.40 (1) and (2) are amended to read:

Comm 5.40 (1) A person who holds a ~~credential~~ certification issued by the department as a certified electrical contractor, certified electrical contractor-restricted, certified master electrician, certified journeyman electrician or certified beginning electrician may perform electrical construction work in a municipality which requires licensure to perform electrical work pursuant to s. 101.87 (2) to (4), Stats., and in accordance with local ordinances.

(2) No person may advertise as a certified electrical contractor, certified master electrician, certified journeyman electrician or certified beginning electrician unless the person holds the appropriate ~~credential~~ certification issued under this subchapter.

SECTION 28. Comm 5.41 (1)(title) and (a) 2., and (2)(title) are amended to read:

Comm 5.41 (1) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. (a) 2. An application and a ~~credential~~ certification fee in accordance with s. Comm 5.02, Table 5.02.

(2) **QUALIFICATIONS FOR ~~CREDENTIAL~~ CERTIFICATION.**

SECTION 29. Comm 5.42 (2)(title) and (b) and (3)(title) are amended to read:

Comm 5.42 (2) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. (b) An application fee and ~~credential~~ certification fee in accordance with s. Comm 5.02, Table 5.02.

(3) **QUALIFICATIONS FOR ~~CREDENTIAL~~ CERTIFICATION.**

SECTION 30. Comm 5.43 (4) and (5)(b) are amended to read:

Comm 5.43 (4) APPLICATION FOR CREDENTIAL CERTIFICATION. Upon notification of the successful passage of the examination for a master electrician certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(5) (b) 1. The renewal of a certification as a master electrician ~~which has an expiration date after June 30, 1999~~ shall be contingent upon the master electrician obtaining at least 18 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified master electrician may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 31. Comm 5.44 (1)(intro.), (5)(a), (b)(intro.) and (b) 1., and (6)(b) are amended to read:

Comm 5.44 (1) GENERAL. A person may obtain a credential certification as a certified journeyman electrician by either one of the following:

(5) **APPLICATION FOR CREDENTIAL CERTIFICATION.** (a) Upon notification of the successful passage of the examination for a journeyman electrician certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a credential certification as a certified journeyman electrician by submitting all of the following:

1. An application, application fee and a credential certification fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02.

(6) (b) 1. The renewal of a certification as a journeyman electrician ~~which has an expiration date after June 30, 1999~~ shall be contingent upon the journeyman electrician obtaining at least 18 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified journeyman electrician may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 32. Comm 5.45 (1)(title) and (b) are amended to read:

Comm 5.45 (1) APPLICATION FOR CREDENTIAL CERTIFICATION. (b) An application fee and ~~credential~~ certification fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 33. Comm 5.50 is amended to read:

Comm 5.50 Fire sprinkler installers. (1) (a) Except as provided in par. (b), pursuant to ss. 145.15 (4), 145.165 and 145.175, Stats., no person may install, maintain or repair automatic fire sprinkler systems unless the person holds a ~~credential~~ license or registration issued by the department as a licensed automatic fire sprinkler contractor, a licensed journeyman sprinkler fitter, a registered automatic fire sprinkler system apprentice, a registered automatic fire sprinkler contractor-maintenance, or a registered automatic fire sprinkler fitter-maintenance.

(b) Paragraph (a) does not apply to a person repairing, replacing or maintaining electrical supervisory devices for existing automatic fire sprinkler systems.

(2) No person may conduct the annual activities relative to inspection and testing of an existing automatic fire sprinkler system and components as required by s. Comm 51.23 (6) unless the person holds a ~~credential~~ license or registration issued by the department as a licensed automatic fire sprinkler contractor, a licensed journeyman sprinkler fitter, a registered automatic fire sprinkler system apprentice, a registered automatic fire sprinkler contractor-maintenance, a registered automatic fire sprinkler fitter-maintenance or a registered automatic fire sprinkler system tester.

Note: The rules of this subchapter further restrict or limit the type of automatic fire sprinkler installations and activities which certain ~~credential~~ license or registration categories may perform or undertake.

SECTION 34. Comm 5.51 (2m) is created to read:

Comm 5.51 (2m) QUALIFICATIONS FOR EXAMINATION. A person applying for an automatic fire sprinkler contractor license examination shall have one of the following qualifications:

(a) At least 1000 hours of experience per year for at least 3 consecutive years as a licensed journeyman automatic fire sprinkler fitter.

(b) Graduated from an accredited 4-year engineering university or college with a degree in civil engineering, mechanical engineering or other approved engineering curriculum related to automatic fire sprinklers.

(c) At least 1000 hours of experience per year for at least 7 years in automatic fire sprinkler design or installation. Each semester spent full-time in a school of civil or mechanical engineering or other accredited college, university, technical or vocational school in an automatic fire sprinkler-related program shall be considered equivalent to 500 hours of experience, with no more than 3,000 hours and 3 years of experience through education being credited toward the 7 years of experience.

(d) A level III certification in fire protection/automatic fire sprinkler system layout from the national institute for certification in engineering technologies.

SECTION 35. Comm 5.51 (4) and (5) are amended to read:

Comm 5.51 (4) APPLICATION FOR CREDENTIAL LICENSE. Upon notification of the successful passage of the examination for an automatic fire sprinkler system contractor license, a person may obtain the license by submitting an application and the credential license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(5) RESPONSIBILITIES. A person who installs, inspects, tests or maintains an automatic fire sprinkler system as a licensed automatic fire sprinkler contractor shall utilize the ~~appropriate~~ credentialed appropriately licensed or registered persons to install, inspect, test or maintain automatic fire sprinkler systems.

SECTION 36. Comm 5.51 (6)(c) is created to read:

Comm 5.51 (6) (c) 1. The renewal of a license as an automatic fire sprinkler contractor which has an expiration date after June 30, 2002 shall be contingent upon the automatic fire sprinkler contractor obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as an automatic fire sprinkler contractor may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

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SECTION 37. Comm 5.52 (1) and (5) are amended to read:

Comm 5.52 (1) GENERAL. The activities under s. Comm 5.50 that may be undertaken by a person who holds a credential license as a licensed journeyman automatic fire sprinkler fitter shall be performed under the general supervision of a person who holds a credential license as a licensed automatic fire sprinkler contractor.

(5) APPLICATION FOR CREDENTIAL LICENSE. Upon notification of the successful passage of the examination for a journeyman automatic fire sprinkler system fitter license, a person may obtain the license by submitting an application and the credential license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 38. Comm 5.52 (6)(c) is created to read:

Comm 5.52 (6) (c) 1. The renewal of a license as a journeyman automatic fire sprinkler fitter which has an expiration date after June 30, 2002 shall be contingent upon the journeyman automatic fire sprinkler fitter obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as a journeyman automatic fire sprinkler fitter may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

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SECTION 39. Comm 5.53 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.53 (1) GENERAL. The activities under s. Comm 5.50 that may be undertaken by a person who holds a credential registration as a registered automatic fire sprinkler system apprentice shall be performed under the general supervision of a person who is a licensed automatic fire sprinkler contractor.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and a credential registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 40. Comm 5.54 (1)(intro.) and (4) are amended to read:

Comm 5.54 (1) GENERAL. Pursuant to s. 145.175, Stats., the activities under s. Comm 5.50 that may be undertaken by a person who holds a credential registration as a registered automatic fire sprinkler contractor-maintenance shall be:

(4) APPLICATION FOR CREDENTIAL REGISTRATION. Upon notification of the successful passage of the examination for an automatic fire sprinkler contractor-maintenance registration, a person may obtain the registration by submitting an application and the credential registration fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 41. Comm 5.54 (5)(c) is created to read:

Comm 5.54 (5) (c) 1. The renewal of a registration as an automatic fire sprinkler contractor-maintenance which has an expiration date after June 30, 2002 shall be contingent upon the automatic fire sprinkler contractor-maintenance obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a registration as an automatic fire sprinkler contractor-maintenance may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 42. Comm 5.55 (1)(b) and (2)(title) and (b) are amended to read:

Comm 5.55 (1) (b) Under the general supervision of a person who holds a credential registration as a registered automatic fire sprinkler contractor-maintenance.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and a credential registration fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 43. Comm 5.56 (1) and (4) are amended to read:

Comm 5.56 (1) GENERAL. A person who holds a credential registration issued by the department as a registered automatic fire sprinkler system tester may conduct the annual activities relative to inspection and testing of an existing automatic fire sprinkler system and components as required by s. Comm 51.23 (6) and NFPA 25.

(4) APPLICATION FOR CREDENTIAL REGISTRATION. Upon notification of the successful passage of the examination for an automatic fire sprinkler system tester registration, a person may obtain the registration by submitting an application and the credential registration fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 44. Comm 5.60 (1)(intro.), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.60 (1) GENERAL. No person may inspect, as required under chs. ~~ILHR Comm~~ 41 and 42, a boiler or pressure vessel for the purpose of determining compliance with chs. ~~ILHR Comm~~ 41 and 42 or submit an inspection report to the department documenting compliance or noncompliance with chs. ~~ILHR Comm~~ 41 and 42 unless the person holds a credential certification issued by the department as a:

(2) APPLICATION FOR CREDENTIAL CERTIFICATION. (b) An application fee and a credential certification fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL CERTIFICATION.

SECTION 45. Comm 5.61 (1), (1)Note 2, (4), and (6)(b) and (c) are amended to read:

Comm 5.61 (1) GENERAL. A person who holds a credential certification issued by the department as a certified commercial building inspector may conduct inspections of public buildings and places of employment for the purpose of administering and enforcing chs. ~~ILHR Comm~~ 50 to 64, Comm 66, Comm 69 or Comm 70.

Note: Pursuant to s. 101.14 (2), Stats., deputies of the department may perform fire prevention inspections of public buildings and places of employment without holding the credential certification as a certified commercial building inspector.

(4) APPLICATION FOR CREDENTIAL CERTIFICATION. Upon notification of the successful passage of the examination for a commercial building inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(6) ~~(b) 1.~~ ~~The transition to a 2-year credential cycle for previously certified inspectors shall be phased in. For the certification period that begins on July 1, 1997 the renewal of applicants whose last names begin with:~~

~~a. The letters A to M shall be processed to expire on June 30, 1998; and~~

~~b. The letters N to Z shall be processed to expire on June 30, 1999.~~

~~2. The credential fee for the renewal of an inspector certification under subd. 1. to expire on June 30, 1998 shall be 50% of the amount specified in Table 5.02.~~

~~(c) (b) 1. The renewal of a credential certification as a certified commercial building inspector which has an expiration date after June 30, 1998 shall be contingent upon the commercial building inspector obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.~~

2. A person who holds a credential certification as a certified commercial building inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 46. Comm 5.62 (1), (1)Note, (3)(c), (5), and (7)(b) and (c) are amended to read:

Comm 5.62 (1) GENERAL. Pursuant to s. 101.88 (2), Stats., no person may conduct the inspection of electrical installations in public buildings and places of employment for the purpose of administering and enforcing ch. Comm 16 unless the person holds a credential certification issued by the department as a certified commercial electrical inspector.

Note: Those persons who hold a valid credential certification as a certified restricted commercial electrical inspector will be issued a credential as a certified commercial electrical inspector upon application for renewal.

(3) (c) At least 1,000 hours per year for at least 3 years of experience in electrical work and holds a credential registration or certification under ch. 443, Stats., as a registered professional engineer, a registered architect or a certified designer of electrical systems.

(5) **APPLICATION FOR CREDENTIAL CERTIFICATION.** (a) Upon notification of the successful passage of the examination for a commercial electrical inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a credential certification as a certified commercial electrical inspector by submitting:

1. An application, an application fee and the credential certification fee in accordance with ss. Comm 5.01 and 5.02; and

2. Evidence that the person holds a certification as a master electrician issued under s. Comm 5.42.

(7) (b) 1. ~~The transition to a 2-year credential cycle for previously certified inspectors shall be phased in. For the certification period that begins on July 1, 1997 the renewal of applicants whose last names begin with:~~

~~a. The letters A to M shall be processed to expire on June 30, 1998; and~~

~~b. The letters N to Z shall be processed to expire on June 30, 1999.~~

~~2. The credential fee for the renewal of an inspector certification under subd. 1. to expire on June 30, 1998 shall be 50% of the amount specified in Table 5.02.~~

(c) (b) 1. The renewal of a certification as a commercial electrical inspector ~~which has an expiration date after June 30, 1998~~ shall be contingent upon the commercial electrical inspector obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified commercial electrical inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 47. Comm 5.63 (1)(a)(intro.), (a)5.Note and (b)(intro.), (4)(a) and (b)1., and (6)(b) and (c) are amended to read:

Comm 5.63 (1) (a) Pursuant to s. 101.66 (2), Stats., no person may conduct the inspection of one- and 2-family dwellings for the purpose of administering and enforcing chs. ~~ILHR~~ Comm 20 to 25 unless the person holds a credential certification issued by the department as a:

(a) 5. **Note:** Pursuant to s. 101.14 (1) (bm), Stats., deputies of the department may perform inspections for smoke detector installation and maintenance without holding a credential certification issued by the department.

(b) A person who holds a credential certification as a:

(4) **APPLICATION FOR CREDENTIAL CERTIFICATION.** (a) Upon notification of the successful passage of the examination for an UDC-construction inspector certification, an UDC-electrical inspector certification, an UDC-HVAC inspector certification, or an UDC-plumbing inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) 1. Submit an application, an application fee and credential certification fee in accordance with ss. Comm 5.01 and 5.02; and

(6) (b) 1. ~~The transition to a 2-year credential cycle for previously certified inspectors shall be phased in. For the certification period that begins on July 1, 1997 the renewal of applicants whose last names begin with:~~

a. ~~The letters A to M shall be processed to expire on June 30, 1998; and~~

b. ~~The letters N to Z shall be processed to expire on June 30, 1999.~~

~~2. The credential fee for the renewal of an inspector certification under subd. 1. to expire on June 30, 1998 shall be 50% of the amount specified in Table 5.02.~~

(c) (b) 1. The renewal of a certification as an UDC-construction inspector, UDC-electrical inspector, UDC-HVAC inspector, or UDC-plumbing inspector ~~which has an expiration date after June 30, 1998~~ shall be contingent upon the inspector obtaining at least 12 hours of acceptable continuing

education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified UDC-construction inspector, certified UDC-electrical inspector, certified UDC-HVAC inspector, or certified UDC-plumbing inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 48. Comm 5.64 (1), (2)(intro.), (4), and (6)(c)2. are amended to read:

Comm 5.64 (1) GENERAL. No person, as an authorized representative of the department, may provide inspections required under ch. Comm 18 unless the person holds a credential certification issued by the department as a certified elevator inspector.

(2) ~~INSPECTOR CREDENTIALS METHODS TO OBTAIN CERTIFICATION.~~ A person may obtain a credential certification as a certified elevator inspector by either one of the following:

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. (a) Upon notification of the successful passage of the examination for an elevator inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a credential certification as a certified elevator inspector by submitting all of the following:

1. An application, an application fee and the credential certification fee in accordance with ss. Comm 5.01 and 5.02.

2. Evidence that the person holds a certification as an ASME QEI-1 elevator inspector.

(6) (c) 2. A person who holds a credential certification as a certified elevator inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 49. Comm 5.66 (1), (4), and (6)(b) and (c) are amended to read:

Comm 5.66 (1) GENERAL. A person who holds a credential certification issued by the department as a certified POWTS inspector may inspect privately owned wastewater treatment systems, POWTS, for the purpose of administering and enforcing the provisions of chs. Comm 82 to 87, as an authorized representative of the department or a local governmental unit.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of the successful passage of the examination for a POWTS inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

ref (6) (b) 1. ~~The transition to a 2-year credential cycle for previously certified inspectors shall be phased in. For the certification period that begins on July 1, 1997 the renewal of applicants whose last names begin with:~~

~~a. The letters A to M shall be processed to expire on June 30, 1998; and~~

~~b. The letters N to Z shall be processed to expire on June 30, 1999.~~

~~2. The credential fee for the renewal of an inspector certification under subd. 1. to expire on June 30, 1998 shall be 50% of the amount specified in Table 5.02.~~

(c) (b) 1. The renewal of a certification as a POWTS inspector ~~which has an expiration date after June 30, 1998~~ shall be contingent upon the POWTS inspector obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified POWTS inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 50. Comm 5.67 (1), (4), and (6)(b) and (c) are amended to read:

Comm 5.67 (1) GENERAL. No person may inspect rental units to determine compliance with ch. Comm 67 unless the person holds a credential certification issued by the department as a certified rental weatherization inspector.

(4) **APPLICATION FOR CREDENTIAL CERTIFICATION.** Upon notification of the successful passage of the examination for a rental weatherization inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

ref - (6) (b) 1. ~~The transition to a 2-year credential cycle for previously certified inspectors shall be phased in. For the certification period that begins on July 1, 1997 the renewal of applicants whose last names begin with:~~

~~a. The letters A to M shall be processed to expire on June 30, 1998; and~~

~~b. The letters N to Z shall be processed to expire on June 30, 1999.~~

~~2. The credential fee for the renewal of an inspector certification under subd. 1. to expire on June 30, 1998 shall be 50% of the amount specified in Table 5.02.~~

(c) (b) 1. The renewal of a certification as a rental weatherization inspector ~~which has an expiration date after June 30, 1999~~ shall be contingent upon the rental weatherization inspector obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified rental weatherization inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 51. Comm 5.675, as created by Clearinghouse Rule No. 98-126, is amended to read:

Comm 5.675 Soil erosion inspectors. (1) GENERAL. (a) No person may conduct the inspection of one- and 2-family dwelling sites for the purpose of administering and enforcing s. Comm 21.125 unless that person holds a credential certification issued by the department as a certified erosion control inspector or as a certified UDC construction inspector.

(b) 1. No person may conduct the inspection of a commercial building site for the purpose of administering and enforcing ch. Comm 65 unless the person holds a credential certification issued by the department as a certified soil erosion inspector or as a certified commercial building inspector.

2. Under this section, a commercial building is a building or structure covered under any of the following codes: chs. Comm 50 to 64, ch. Comm 66, or ch. Comm 70.

(c) A person holding a credential certification as a soil erosion inspector under s. Comm 5.63 as of [the effective date of this section **REVISOR INSERTS DATE**] is considered certified under this section.

Note: Sub. (6) requires continuing education for credential certification renewal.

(2) APPLICATION FOR EXAMINATION. A person applying to take a soil erosion inspector certification examination shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and examination fee in accordance with s. Comm 5.02, Table 5.02.

(3) EXAMINATION. Except as provided under sub. (4) (b), a person seeking to obtain a soil erosion inspector certification shall take and pass an examination in accordance with s. Comm 5.09.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. (a) Upon notification of successfully passing the examination for a soil erosion inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a credential certification as a certified soil erosion inspector by submitting all of the following:

1. An application, an application fee and credential certification fee in accordance with ss. Comm 5.01 and 5.02.

2. Evidence that the person holds a certification as a soil erosion planner issued under s. Comm

5.315.

(5) RESPONSIBILITIES. A person who inspects one- and 2-family dwelling sites or commercial building sites as a certified soil erosion inspector shall do all of the following:

(a) Maintain a record of inspections made that includes the date and the findings of the inspections.

(b) Provide a copy of the inspection report to the property owner or his or her agent.

(c) Make available to the department upon request his or her inspection records.

(6) RENEWAL. (a) 1. A person may renew his or her certification as a soil erosion inspector.

2. An inspector certification under this section shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a certification as a soil erosion inspector which has an expiration date after June 30, 2000, shall be contingent upon the inspector obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified soil erosion inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 52. Comm 5.68 (1), (5), and (7)(b) are amended to read:

Comm 5.68 (1) GENERAL. No person may inspect a tank system which has held or will hold flammable or combustible liquids to determine compliance with ch. ~~ILHR~~ Comm 10 unless the person holds a credential certification issued by the department as a certified tank system inspector.

(5) APPLICATION FOR ~~CREDENTIAL~~ CREDENTIAL CERTIFICATION. Upon notification of successfully passing the examination for a tank system inspector certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(7) (b) 1. The renewal of a credential certification as a certified tank system inspector which has an expiration date after December 31, 1999 shall be contingent upon the inspector obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a credential certification as a certified tank system inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 53. Comm 5.70 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.70 (1) GENERAL. (a) Pursuant to ss. 101.177 (2) and (3) (a) and 101.178 (2), Stats., no person, entity or business may engage or offer to engage in the activity of installing or servicing heating, ventilating or air conditioning equipment, except as provided in par. (b), or installing or servicing refrigeration equipment that would release or may release ozone-depleting refrigerant or sell for reuse used ozone-depleting refrigerant from refrigeration equipment, unless the person, entity or business holds a credential registration issued by the department as a registered HVAC contractor.

(b) 1. A person, entity or business is not required to hold a credential registration as a registered HVAC contractor to service existing heating, ventilating or air conditioning equipment or systems within facilities or properties owned by the person or entity.

2. A person, entity or business is not required to hold a credential registration as a registered HVAC contractor for electrical or plumbing work associated with the installation or servicing of HVAC equipment or systems.

Note: Plumbing work associated with the installation or servicing of HVAC equipment or systems may necessitate a plumbing license under subch. IX. Electrical work associated with the installation or servicing of HVAC equipment or systems may necessitate under local ordinance an electrical certification.

~~3. A person, entity or business which holds, prior to November 1, 1996, either a letter issued by the department acknowledging registration of their business to handle ozone-depleting refrigerants or to sell used ozone-depleting refrigerants or a valid credential as a registered HVAC contractor may engage in all of the business activities listed in par. (a) until the expiration of the registration.~~

~~4. A person, entity or business which holds, prior to November 1, 1996, both a letter issued by the department acknowledging registration of the business to handle ozone-depleting refrigerants and a valid credential as a registered HVAC contractor may engage in the all of the business activities listed in par. (a) until the expiration of the registration with the latest expiration date.~~

~~**Note:** See sub. (4) and s. Comm 5.07 as to the renewal procedures of a credential.~~

(2) **APPLICATION FOR CREDENTIAL REGISTRATION.** (b) An application fee and a credential registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) **QUALIFICATIONS FOR CREDENTIAL REGISTRATION.**

SECTION 54. Comm 5.71 (5) is amended to read:

Comm 5.71 (5) APPLICATION FOR CREDENTIAL CERTIFICATION. Upon notification of the successful passage of the examination for HVAC qualifier certification, a person may obtain the certification by submitting an application and the credential certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 55. Comm 5.72 (1), (2)(title) and (b), (3), and (5)(intro.) and (a)2. are amended to read:

Comm 5.72 (1) GENERAL. Pursuant to s. 101.177 (2), Stats., no person may install or service a piece of refrigeration equipment that would release or may release an ozone-depleting refrigerant unless the person holds a credential certification issued by the department as a certified refrigerant handling technician.

(2) APPLICATION FOR CREDENTIAL CERTIFICATION. (b) An application fee and a credential certification fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL CERTIFICATION. A person applying for a refrigerant handling technician certification shall hold a credential certification issued per 40 CFR part 82.161.

(5) EXPIRATION SUNSET. All credentials certifications for certified refrigerant handling technicians issued by the department prior to November 1, 1996, shall expire on a date specified in writing by the department.

(a) 2. The expiration date specified by the department for any certified refrigerant handling technician shall not be less than 3 years from the issuance of the original credential certification.

SECTION 56. Comm 5.80 (1)(a), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.80 (1) (a) A corporation, partnership, sole proprietor or independent contractor that performs or provides professional level engineering or hydrogeological services related to a claim submitted for reimbursement under the PECFA program, ch. ILHR Comm 47, shall hold a credential registration issued by the department as a registered PECFA consulting firm.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and credential registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 57. Comm 5.81 (1)(a), and (2)(title) and (b) are amended to read:

Comm 5.81 (1) (a) A person who performs or provides professional level investigation, interpretation, design or technical project management services related to a claim submitted for reimbursement under the PECFA program, ch. ILHR Comm 47, shall hold a credential registration issued by the department as a registered PECFA consultant.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and credential registration fee in accordance with s. Comm 5.02, Table 5.02

SECTION 58. Comm 5.82 (1)(a), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.82 (1) GENERAL. (a) A corporation, partnership, sole proprietor or independent contractor that provides or offers to provide storage tank system installation, removal, testing, lining,

cleaning or site assessments shall hold a ~~credential~~ registration issued by the department as a registered specialty tank firm.

(2) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. (b) An application fee and ~~credential~~ registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR ~~CREDENTIAL~~ REGISTRATION.

SECTION 59. Comm 5.83 (1) and (4) are amended to read:

Comm 5.83 (1) GENERAL. No person may conduct a site closure assessment required under s. ~~ILHR~~ Comm 10.734 unless the person holds a ~~credential~~ certification issued by the department as a certified site assessor.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of successfully passing the examination for a site assessor certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 60. Comm 5.84 (1)(a) and (b), and (4) are amended to read:

Comm 5.84 (1) (a) The person holds a ~~credential~~ certification issued by the department as a certified aboveground tank system installer; or

(b) The person is under the direct supervision of another person who holds a ~~credential~~ certification issued by the department as a certified aboveground tank installer.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of successfully passing the examination for an aboveground tank system installer certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 61. Comm 5.85 (1)(a) and (b), and (4) are amended to read:

Comm 5.85 (1) (a) The person holds a ~~credential~~ certification issued by the department as a certified underground tank system installer; or

(b) The person is under the direct supervision of another person who holds a ~~credential~~ certification issued by the department as a certified underground tank system installer.

(4) APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION. Upon notification of successfully passing the examination for an underground tank system installer certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 62. Comm 5.86 (1)(a) and (b), and (4) are amended to read:

Comm 5.86 (1) (a) The person holds a ~~credential~~ certification issued by the department as a certified tank system liner; or

(b) The persons is under the direct supervision of another person who holds a ~~credential~~ certification issued by the department as a certified tank system liner.

(4) **APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION**. Upon notification of successfully passing the examination for a tank system liner certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 63. Comm 5.87 (1)(a) and (b), and (4) are amended to read:

5.87 (1)
PZNR

Comm 5.87 (1) (a) The person holds a ~~credential~~ certification issued by the department as a certified tank system remover-cleaner; or

(b) The person is under the direct supervision of another person who holds a ~~credential~~ certification issued by the department as a certified tank system remover-cleaner.

(4) **APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION**. Upon notification of successfully passing the examination for a tank system remover-cleaner certification, a person may obtain the certification by submitting an application and the ~~credential~~ certification fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

SECTION 64. Comm 5.88 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.88 (1) GENERAL. No person may conduct the tightness testing of a tank system which has held or will hold flammable or combustible liquids unless the person holds a ~~credential~~ certification issued by the department as a certified tank system tightness tester.

(2) **APPLICATION FOR ~~CREDENTIAL~~ CERTIFICATION**. (b) An application fee and ~~credential~~ certification fee in accordance with s. Comm 5.02, Table 5.02.

(3) **QUALIFICATIONS FOR ~~CREDENTIAL~~ CERTIFICATION**.

5.88 (3) (a) + (b)
PZNR
(4) (a)

SECTION 65. Comm 5.90 (1) and (2) are amended to read:

Comm 5.90 Plumbing. (1) (a) Except as provided under s. 145.06 (4), Stats., and pursuant to s. 145.06, Stats., no person may install plumbing unless the person holds a ~~credential~~ license or registration issued by the department as a licensed master plumber, licensed master plumber-restricted, licensed journeyman plumber, licensed journeyman plumber-restricted, registered plumbing apprentice, registered plumbing learner-restricted, registered utility contractor or registered pipelayer.

(b) 1. Pursuant to s. 145.14, Stats., the plumbing activities that may be undertaken by a person who holds a credential license or registration as a licensed master plumber-restricted service, licensed journeyman plumber-restricted service or a registered plumbing learner-restricted service shall be limited to the installation or modification of all of the following:

- a. Privately owned wastewater treatment systems and components under ch. Comm 83.
- b. Building sewers and private interceptor main sewers under ch. Comm 82.
- c. Water services and private water mains under ch. Comm 82.

2. a. The plumbing activities that may be undertaken by a person who holds a credential license as a licensed master plumber-restricted service type 2 or licensed journeyman plumber-restricted service type 2 shall be limited to the installation or modification of underground drain and vent piping and plumbing delineated under subd. 1.

b. The plumbing activities that may be undertaken by a person who holds a credential license as a licensed master plumber-restricted service type 3 or licensed journeyman plumber-restricted service type 3 shall be limited to the modification of existing water distribution systems and plumbing delineated under subd. 1.

c. The plumbing activities that may be undertaken by a person who holds a credential license as a licensed master plumber-restricted service type 4 or licensed journeyman plumber-restricted service type 4 shall be limited to the installation or modification of drain and vent piping to existing drain stacks and vent stacks for the conversion from a private sewage system to municipal sewers and plumbing delineated under subd. 1.

Note: Prior to November 1, 1996, plumber-restricted service licenses were referred to as plumber-restricted-sewer licenses and those licenses formerly referred to as plumber-restricted sewer type 1 are now titled plumber-restricted service. Restricted service plumbing licenses types 2 to 4 are no longer available to new applicants. Individuals who currently hold these types of licenses are permitted to renew the licenses and continue to perform the activities under subd. 2. Individuals who hold a journeyman plumber-restricted service type 2 to 4 may seek to obtain the appropriate type of master plumber-restricted service license in accordance with s. Comm 5.92.

3. Pursuant to s. 145.14, Stats., the plumbing activities that may be undertaken by a person who holds a credential license or registration as a licensed master plumber-restricted appliance, licensed journeyman plumber-restricted appliance, or registered plumbing learner-restricted appliance shall be limited to the installation and modification of water heaters, water softeners, water treatment devices and other items in connection with an existing water supply system which do not require direct connection to the drain system.

4. The plumbing activities that may be undertaken by a person who holds a credential license or registration as a licensed utility contractor or registered pipelayer shall be limited to the installation or modification of water services, private water mains, sanitary building sewers, storm building sewers and private interceptor main sewers.

(2) Pursuant to s. 145.06 (3m), Stats., no person may perform the required testing of cross connection control devices unless the person holds a credential registration issued by the department as a cross-connection control tester.

SECTION 66. Comm 5.91 (1)(intro.), (5), (6), (7)(b)3., and (8)(b) are amended to read:

Comm 5.91 (1) GENERAL. A person may obtain a ~~credential~~ license as a licensed master plumber by either:

(5) APPLICATION FOR ~~CREDENTIAL~~ LICENSE. (a) Upon notification of the successful passage of the examination for a master plumber license, a person may obtain the license by submitting an application and the ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a ~~credential~~ license as a licensed master plumber by submitting:

1. An application, application fee and a ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02; and

2. Evidence of possessing a master plumber license-retiree.

(6) RESPONSIBILITIES. A person who as a licensed master plumber is responsible for the installation or modification of plumbing shall utilize the ~~appropriate credentialed~~ appropriately licensed or registered persons to install or modify plumbing.

(7) (b) 3. The ~~credential~~ license fee for a master plumber specified in s. Comm 5.02, Table 5.02 is submitted.

(8) (b) 1. The renewal of a ~~credential~~ license as a ~~licensed~~ master plumber shall be contingent upon the master plumber obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ license as a ~~licensed~~ master plumber may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 67. Comm 5.92 (1)(intro.), (5), (6), (7)(b)3. and (8)(b) are amended to read:

Comm 5.92 (1) GENERAL. A person may obtain a ~~credential~~ license as a licensed master plumber-restricted by either:

(5) APPLICATION FOR ~~CREDENTIAL~~ LICENSE. (a) Upon notification of the successful passage of the examination for a master plumber-restricted service or master plumber-restricted appliance license, a person may obtain the license by submitting an application and the ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a ~~credential~~ license as a licensed master plumber-restricted service or a licensed master plumber-restricted appliance by submitting:

1. An application, application fee and a ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02; and

2. Evidence of possessing the appropriate master plumber-restricted license-retiree.

(6) RESPONSIBILITIES. A person who, as a licensed master plumber-restricted service or licensed master plumber-restricted appliance, is responsible for an installation or modification of plumbing shall utilize the ~~appropriate credentialed~~ appropriately licensed or registered persons to install or modify plumbing.

(7) (b) 3. The ~~credential~~ license fee for a master plumber-restricted license specified in s. Comm 5.02, Table 5.02 is submitted.

(8) (b) 1. The renewal of a ~~credential~~ license as a ~~licensed~~ master plumber-restricted service or master plumber-restricted appliance shall be contingent upon the plumber obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a ~~credential~~ license as a ~~licensed~~ master plumber-restricted service or master plumber-restricted appliance may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

SECTION 68. Comm 5.93 (1)(a) and (b)(intro.), and (5) are amended to read:

Comm 5.93 (1) GENERAL. (a) The plumbing activities that may be undertaken by a person who holds a ~~credential~~ license as a licensed journeyman plumber shall be performed under the general supervision of a person who holds a master plumber license, master plumber-restricted license, or utility contractor license.

(b) A person may obtain a ~~credential~~ license as a licensed journeyman plumber by either:

(5) APPLICATION FOR ~~CREDENTIAL~~ LICENSE. (a) Upon notification of the successful passage of the examination for a journeyman plumber license, a person may obtain the license by submitting an application and the ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a ~~credential~~ license as a licensed journeyman plumber by submitting:

1. An application, application fee and a ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02; and

2. Evidence of possessing a journeyman plumber license-retiree.

SECTION 69. Comm 5.94 (1)(a) and (b)(intro.), and (5) are amended to read:

Comm 5.94 (1) GENERAL. (a) 1. The plumbing activities as delineated under s. Comm 5.90 (1) (b) that may be undertaken by a person who holds a ~~credential~~ license as a licensed journeyman

plumber-restricted service shall be performed under the general supervision of a person who is a licensed master plumber or a licensed master plumber-restricted service.

2. The plumbing activities as delineated under s. Comm 5.90 (1) (b) that may be undertaken by a person who holds a ~~credential~~ license as a licensed journeyman plumber-restricted appliance shall be performed under the general supervision of a person who is a licensed master plumber or a licensed master plumber-restricted appliance.

(b) A person may obtain a ~~credential~~ license as a licensed journeyman plumber-restricted by either:

(5) APPLICATION FOR ~~CREDENTIAL~~ LICENSE. (a) Upon notification of the successful passage of the examination for a journeyman plumber-restricted license, a person may obtain the license by submitting an application and the ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a ~~credential~~ license as a licensed journeyman plumber-restricted service or a licensed journeyman plumber-restricted appliance by submitting:

1. An application, application fee and a ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02; and

2. Evidence of possessing the appropriate journeyman plumber-restricted license-retiree.

SECTION 70. Comm 5.95 (1), and (2)(title) and (b) are amended to read:

Comm 5.95 (1) GENERAL. A person who holds a ~~credential~~ registration as a registered plumbing apprentice may install or modify plumbing under the general supervision of a person who is a licensed master plumber.

(2) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. (b) An application fee and a ~~credential~~ registration fee in accordance with s. Comm 5.02, Table 5.02.

SECTION 71. Comm 5.96 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.96 (1) GENERAL. (a) The plumbing activities that may be undertaken by a person who holds a ~~credential~~ registration as a registered learner-restricted service shall be performed under the direct supervision of a person who holds a master plumber license, a master plumber-restricted service license, a journeyman plumber license or a journeyman plumber-restricted service license.

(b) The plumbing activities that may be undertaken by a person who holds a ~~credential~~ registration as a registered learner-restricted appliance shall be performed under the direct supervision of a person who holds a master plumber license, a master plumber-restricted appliance license, a journeyman plumber license or a journeyman plumber-restricted appliance license.

(2) APPLICATION FOR ~~CREDENTIAL~~ REGISTRATION. (b) An application fee and ~~credential~~ registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 72. Comm 5.97 (1), (5), and (6) are amended to read:

Comm 5.97 (1) GENERAL. A person who holds a ~~credential~~ license as a licensed utility contractor may install or modify water services, private water mains, sanitary building sewers, storm building sewers, or private interceptor main sewers.

(5) APPLICATION FOR CREDENTIAL LICENSE. Upon notification of the successful passage of the examination for a utility contractor license, a person may obtain the license by submitting an application and a ~~credential~~ license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(6) RESPONSIBILITIES. A person who, as a licensed utility contractor, installs or modifies water services, private water mains, sanitary building sewers, storm building sewers, or private interceptor main sewers shall utilize the ~~appropriate credentialed~~ appropriately licensed or registered persons to install or modify the plumbing.

SECTION 73. Comm 5.98 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.98 (1) GENERAL. Pursuant to s. 145.07 (11), Stats., a person who holds a ~~credential~~ registration as a registered pipelayer may install or modify water services, private water mains, sanitary building sewers, storm building sewers, or private interceptor main sewers under the general supervision of a licensed utility contractor, licensed master plumber, or a licensed master plumber-restricted service.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and a ~~credential~~ registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 74. Comm 5.99 (1), (2)(title) and (b), and (3)(title) are amended to read:

Comm 5.99 (1) GENERAL. Pursuant to s. 145.06 (3m), Stats., no person may conduct a performance test of a cross connection control device as required by s. Comm 82.21 (3) unless the person holds a ~~credential~~ registration issued by the department as a registered cross connection control tester.

(2) APPLICATION FOR CREDENTIAL REGISTRATION. (b) An application fee and a ~~credential~~ registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR CREDENTIAL REGISTRATION.

SECTION 75. Comm 82.11 (49m) is created to read:

Comm 82.11 (49m) "Combined home plumbing/fire sprinkler system" means a type of multi-purpose water distribution system conveying potable water to plumbing fixtures and appliances and automatic fire sprinklers with the intention of serving both domestic water needs and fire protection needs within a one- or 2-family dwelling or manufactured dwelling.

SECTION 76. Comm 82.11 (180) is amended to read:

Comm 82.11 (180) "Water supply system" means the piping of a private water main, water service, combined home plumbing/fire sprinkler system and water distribution system, fixture supply connectors, fittings, valves, and appurtenances through which water is conveyed to points of usage such as plumbing fixtures, plumbing appliances, water using equipment or other piping systems to be served.

see
SECTION 77. Comm 82.40 (3)(f) is created to read:

Comm 82.40 (3) (f) Plumbing/sprinkler system. 1. Except as provided in subd. 2., a combined home plumbing/fire sprinkler system shall be designed and installed in accordance with this section and NFPA 13D.

2. a. Piping materials in a combined home plumbing/fire sprinkler system shall comply with s. Comm 84.30 (4).

b. Fire department connections are prohibited in a combined home plumbing/fire sprinkler system.

c. A partial combined home plumbing/fire sprinkler system may be installed. A partial system shall comply with the applicable provisions of this section and NFPA 13D.

SECTION 78. Comm 84.60 Table 84.60-10m is created to read:

Table 84.60-10m

NFPA	National Fire Protection Association 11 Tracy Drive Avon, MA 02322-9908 Telephone: 800-344-3555
Standard Reference Number	Title
NFPA 13D-1996	Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.



DEC 27 1999
P. O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD #: (608) 264-8777
www.commerce.state.wi.us

Tommy G. Thompson, Governor
Brenda J. Blanchard, Secretary

December 22, 1999

Senate Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Assembly Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 99-086

RULE NO.: Chapters Comm 5, 82 and 84

RELATING TO: Credentials and Fire Sprinkler Systems

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. J. Blanchard', written over a horizontal line.

Brenda J. Blanchard
Secretary



P. O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD #: (608) 264-8777
www.commerce.state.wi.us

Tommy G. Thompson, Governor
Brenda J. Blanchard, Secretary

December 22, 1999

Senator Fred Risser
President of the Senate
Room 220 South, State Capitol
Madison, Wisconsin 53702

Representative Scott Jensen
Speaker of the Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 99-086

RULE NO.: Chapters Comm 5, 82 and 84

RELATING TO: Credentials and Fire Sprinkler Systems

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. J. Blanchard', written over a horizontal line.

Brenda J. Blanchard
Secretary

**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 99-086		Hearing Location: Madison	
Rule Number: Chapters Comm 5, 82 and 84		Hearing Date: June 23, 1999	
Relating to: Credentials and Fire Sprinkler Systems			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response

1	James F. Dalton National Fire Sprinkler Association Patterson, NY	<p>1. The Association opposes defining a combined sprinkler/plumbing system as a plumbing system. This change would bypass licensing requirements for sprinkler system installers and allow any plumber to install such a system regardless of relevant training or experience.</p> <p>2. Plumbing system regulations are for protecting public health; sprinkler system regulations are for protecting public safety. An individual installing integrated sprinkler/plumbing systems should be qualified to protect public health and public safety and should be required to establish credentials in both areas. Safety issues should not take a back seat to public health issues. Four people died in a fire because the sprinkler piping had been connected to an undersized domestic water supply.</p> <p>3. The proposed piping materials exception bypasses all of the safeguards NFPA 13D has in place to ensure appropriate piping is used in sprinkler systems. Considerable research has been done to determine acceptability of residential sprinkler system piping. While PVC is widely used in plumbing systems, it is not appropriate for use in sprinkler systems. Waiving the requirements for listed non-metallic sprinkler piping is technically irresponsible.</p> <p>4. The intent of permitting a partial system is not sufficiently defined. The exception to allow a partial system could be used to justify omitting sprinklers from areas that would otherwise be protected with sprinklers in accordance with NFPA 13D. It is irresponsible to allow the compromise of the minimum requirements of NFPA 13D.</p>	<p>1. The statutory definitions under ch. 145, Stats., currently determine what is plumbing and what is an automatic fire sprinkler system. Who may install plumbing systems and who may install automatic fire sprinkler systems is also dictated in ch. 145, Stats. The proposed rules are not in conflict with the licensing statutes.</p> <p>2. The proposed rules do not reflect a prioritization of public safety and public health objectives. The statutory purpose under s. 145.02 (1), Stats., indicates that the construction and installation of plumbing is to be safe.</p> <p>3. The proposed rules have been revised to reflect the listing requirements for both plumbing water distribution materials and sprinkler system materials.</p> <p>4. The Uniform Dwelling Code specifies minimum requirements for the design and construction of one- and two-family dwellings in order to protect public health and safety. The utilization of a sprinkler system or a combined plumbing/sprinkler system is voluntary and is not reflected in any manner under the Uniform Dwelling Code. The reference to a "partial system" recognizes an individual's discretion to provide additional protection features above the minimum code requirements. The proposed rules have been revised to more clearly define the partial system requirements.</p>
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**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 99-086		Hearing Location: Madison	
Rule Number: Chapters Comm 5, 82 and 84		Hearing Date: June 23, 1999	
Relating to: Credentials and Fire Sprinkler Systems			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response

James F. Dalton continued	<p>5. The Department should study the rule further, revisit the issue of quality control, and establish a credential requirement that ensures the installer and inspector are knowledgeable regarding NFPA 13D requirements such as spacing, coverage and positioning of heads.</p> <p>6. The NFSA accreditation program is offered. It requires 40 hours of training consisting of numerous subject elements relating to fire protection and sprinkler systems.</p> <p>7. Piping material requirements from NFPA 13D should be used. It is ludicrous to attach listed fire sprinklers to unlisted pipe that has failed to pass tests for fire sprinkler use.</p> <p>8. The partial system exception should be revisited. One sprinkler in a home gives the perception of fire protection. Just as one smoke detector is not adequate, one sprinkler head is inadequate.</p>	<p>5. Current Department administrative and enforcement strategies include: plan review; permitting and inspection for dwellings in enforcing municipalities (mandatory where populations are greater than 2,500); and continuing education obligations for plumbers and inspectors. The proposed rules have been revised to require training of master plumbers who install multipurpose piping systems.</p> <p>6. No response necessary.</p> <p>7. The proposed rules have been revised to reflect the listing requirements for both plumbing water distribution materials and sprinkler system materials.</p> <p>8. The Uniform Dwelling Code specifies minimum requirements for the design and construction of one- and 2-family dwellings in order to protect public health and safety. The utilization of a sprinkler system or a combined plumbing/sprinkler system is voluntary and is not reflected in any manner under the Uniform Dwelling Code. The reference to a "partial system" recognizes an individual's discretion to provide additional protection features above the minimum code requirements. The proposed rules have been revised to more clearly define the partial system requirements.</p>
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**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 99-086		Hearing Location: Madison	
Rule Number: Chapters Comm 5, 82 and 84		Hearing Date: June 23, 1999	
Relating to: Credentials and Fire Sprinkler Systems			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
	James F. Dalton continued	<p>9. The state assumes responsibility and liability if it does not undertake a public education program on fire ignition data and where to put fire sprinklers in one- and 2-family homes. A minimum national standard has been changed to create a substandard system.</p> <p>10. It should not be called a fire sprinkler system; a new name should be found. After a fatal fire, news media will say that the fire sprinkler system failed and not that the plumbing system failed. This proposal will damage the 150-year integrity of fire sprinkler systems as a first line intervention against life and property loss.</p>	<p>9. The Department provides and partners with others in providing a wide variety of educational opportunities concerning its programs. Currently, the installation and location of sprinklers in dwellings is not addressed in the Uniform Dwelling Code. The preamble of the NFPA standards acknowledges the abilities of public authorities like the Department to make deletions, additions and changes in referencing its standards.</p> <p>10. The proposed rules have been revised to use terminology consistent with the referenced NFPA standard.</p>
	Thomas H. Jahn Society of Fire Protection Engineers Milwaukee, WI	<p>1. Comm 5.51 (2m) This should be changed by adding (e) A SFPE voting national member, or (f) A CFPS (Certified Fire Protection Specialist) as certified by the NFPA.</p> <p>2. Comm 5.51 (g) Twelve hours is minimal to any contractor operating in the state. A contractor can not stay in business if they don't know what new technology or heads are coming out. Disagrees with 12-hour requirement; it should be eliminated. Contractors themselves don't do the designing, engineering, installations. The contractor may be legally responsible for the installation, but may or may not have anything to do with the installation.</p> <p>3. Comm 82.40 (3)(f) Agrees with James Dalton's comments.</p>	<p>1. The Department has the ability to evaluate other qualifications and experience on a case-by-case basis through the petition for variance process.</p> <p>2. The statement confirms the Department's intention that the requirement should not be burdensome to individuals; the Department is proposing continuing education obligations as an administrative strategy to help ensure that sprinkler systems continue to be designed and installed to protect public safety. Under the statutory provisions of s. 443.14(6), Stats., and reflected under the administrative rules of s. Comm 50.155, sprinkler contractors may design automatic fire sprinkler systems.</p> <p>3. See responses to previous commentor.</p>

**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 99-086	Hearing Location: Mailed in comments
Rule Number: Chapters Comm 5, 82 and 84	Hearing Date: N/A
Relating to: Credentials and Fire Sprinkler Systems	

Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
2	Joe Tremi Tremi Enterprises Seymour, WI	<p>1. In favor of changing the word credential to license as it was originally called in the plumbing code. Plumbers protect the health of Wisconsin through properly installed plumbing and POWTS systems. Any person with this kind of education (licensed plumber) should be properly recognized. A license means that the person is best qualified to do work in that field.</p> <p>2. Opposed to the use of the social security number because it could be used to keep a person from getting their license renewal for circumstances not related to plumbing.</p> <p>3. Fire sprinkler work for one- and 2-family homes shall be done by a master plumber as they are doing plumbing in the building already, the industrial or commercial sprinkler fitters are not.</p>	<p>1. No response necessary.</p> <p>2. The proposed rules reflect statutory mandates.</p> <p>3. The statutory definitions under ch. 145, Stats., currently determine what is plumbing and what is an automatic fire sprinkler system. Who may install plumbing systems and who may install automatic fire sprinkler systems is also dictated in ch. 145, Stats. The proposed rules are not in conflict with the licensing statutes.</p>
3	Roland Huggins American Fire Sprinkler Association Dallas, TX	<p>Sprinkler systems are life safety devices which require specific knowledge relating to placement of the sprinkler, installation requirements for the different types of sprinklers, pressure required by the sprinklers, determining the flow rate, and piping size. Common plumbing installation practices are generally not considered acceptable by the national standards controlling the installation of these life safety systems. The requirement for having the necessary knowledge to install residential fire sprinkler systems should not be eliminated.</p>	<p>Currently, there are no regulatory standards governing the installation of any type of sprinkler systems in one- and 2-family dwellings. The proposed rules will for the first time establish standards for combined plumbing/sprinkler systems by referencing national standards to help ensure that such systems will be designed and installed correctly. The proposed rules have been revised to require training relative to the design and installation of the combined systems.</p>